

**INSTRUCTIONS FOR NONASSOCIATION FORM*****{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) processes nonassociation cases under Chapters 391-95, 391-08, and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at [www.perc.wa.gov](http://www.perc.wa.gov).
- B. LIMITED PROCEEDINGS** Proceedings under Chapter 391-95 WAC are limited to claims concerning assertion of the religious-based right of nonassociation under RCW 28B.52.045(3) (community and technical college faculty), RCW 41.56.122(1) (home care independent providers, technical college and school district classified employees and all employees in local government, port districts, and public utility districts), RCW 41.59.100 (school district certificated employees), RCW 41.76.045 (state institutions of higher education faculty) or RCW 41.80.100 (state civil service and state higher education classified employees).
- C. PRE-PETITION PROCEDURES** WAC 391-95-030 and WAC 391-95-050 require the employee organization and the employee who asserts a right of nonassociation to take some preliminary steps. A petition filed by the employee will be processed if the organization does not comply with the time limits.
- D. WHO MAY FILE** Only the employee seeking nonassociation or the exclusive bargaining representative seeking to enforce a union security obligation can file and process a nonassociation case. Employers do not have legal standing to file or process these cases.
- E. PRESERVATION OF DISPUTED FUNDS** PERC's rules include the following procedure to minimize controversy about disputed funds:

WAC 391-95-130 **ESCROW OF DISPUTED FUNDS BY EMPLOYER.** Upon being served with a copy of a petition filed under WAC 391-95-070, the employer shall preserve the status quo by withholding and retaining the disputed dues for periods during the pendency of the proceedings before the commission. Funds held in escrow shall draw interest at the rate provided by commercial banks for regular passbook savings accounts. While the proceedings remain pending before the commission, the employer shall not honor or otherwise act upon any request for discharge or other action against the affected employee based on the employee's union security obligations. This section shall be applicable to employees covered by chapter 41.56 RCW only upon the employee submitting to the employer a signed authorization for the deduction and escrow of disputed funds.

- F. FORM** Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

**PARTIES**

- Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction. Information about the employer is needed, even though the employer is not directly involved in the dispute.
- The "Employee Organization" is the organization which is seeking to enforce union security obligations.
- The "Employee" is the individual employee who claims a right of nonassociation. File a separate petition for each individual claimant.

**MATTERS IN DISPUTE** Mark one or both of the choices provided. Other issues cannot be addressed in proceedings under Chapter 391-95 WAC.

**BARGAINING UNIT**

- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- ATTACH a copy of the collective bargaining agreement under which the dispute arises (unbound documents are preferred).

**PETITIONER** Mark only one of the boxes. The employer has no beneficial interest in, and cannot initiate, proceedings under Chapter 391-95 WAC.

- G. FILING WITH PERC** See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to [filing@perc.wa.gov](mailto:filing@perc.wa.gov) PLUS mail the original papers to PERC's Olympia office on the same day.

- H. COPIES TO OTHER PARTIES** See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

- I. NORMAL CASE PROCESSING** The steps that usually occur in nonassociation cases are described in materials available under the "SERVICES" tab on the PERC website: [www.perc.wa.gov](http://www.perc.wa.gov).